

STATEMENT OF STATUS AND SUPPORT

Pursuant to 37 CFR 1.173(c), Applicants present herein a statement of status and support for all claim changes.

STATUS OF THE CLAIMS:

Claims 1-3 and 16-88 are currently pending in the application.

Claims 1-19 were issued in the '231 patent. Of these original claims, claims 1-3 and 16-19 are withdrawn in response to a Restriction requirement dated October 24, 2007. Claim 4-15 are cancelled without prejudice. The remaining claims 20-88 are New. Claims 32-50, 60-68, 83 and 86 are currently pending in the application. The other claims are withdrawn in response to the restriction requirement. The New systems claims previously submitted were cancelled and deleted and the New claims renumbered in a previous amendment.

Claims 32, 41 and 60 were amended in response to the section 112 rejection, to be discussed below.

SUPPORT OF CLAIM CHANGES:

Applicants have made the following amendments and changes from the previous claim language for claim 32, shown with additions underlined and deletions in cross-through:

32. A method for managing a plurality of transaction
~~demand~~ accounts for multiple clients ~~whose funds are held at a~~
~~banking institution in a single insured money market deposit~~
~~account~~, comprising:

providing a database having client information for each
of the plurality of transaction ~~demand~~ accounts;

administering clients' deposits to and withdrawals from
each of their transaction ~~demand~~ accounts through a first
banking institution;

determining a net transaction aggregated across all said ~~demand account~~ deposits and withdrawals on a regular periodic basis;

depositing funds to or withdrawing funds from a said single insured money market deposit account at a second banking institution based on the net transaction ~~and by way an intermediate bank;~~ with the withdrawing funds comprising withdrawing funds from the preserving the interest-bearing status of the single insured money market deposit account at the second banking institution after more than six (6) transfers and/or withdrawals are made times during a month through the first banking institution from said single insured money market deposit account;

receiving interest from the second banking institution on funds held in said single insured money market deposit account;

distributing the interest received ~~paid~~ on said single insured money market deposit account to said client transaction accounts; and

updating the database based on the interest paid to and clients' deposits to and withdrawals from each of their transaction ~~demand~~ accounts.

Comparable changes have been made to claims 41. These changes are as follows:

41. A data processing method for tracking and managing a plurality of client transaction accounts and providing a return to each of said transaction accounts, the funds associated with said transaction accounts aggregated for

deposit in ~~an a-corresponding~~ insured money market deposit account, said insured money market deposit account providing a return on assets held therein, said method comprising:

a. creating one or more transaction account memory ledgers ~~and-for~~ storing therein selected data for one or more of said plurality of client transaction accounts;

b. storing in said memory ledgers transaction account data including a current or periodic account balance as well as an identification of an account owner or beneficiary;

c. tracking deposits to and withdrawals from each of said client transaction accounts and adjusting the balance for each in response to such transactions;

d. creating ~~the an~~ insured money market deposit account at a second banking institution in which funds from a plurality of said client transaction accounts are to be deposited through a first banking institution; ~~and~~

e. managing said insured money market deposit account by

assessing the aggregate activity of said plural client transaction accounts for a respective period; and

calculating an asset adjustment to said insured money market deposit account to determine an amount of funds that should be transferred from or to-permit adjustment of the amount in said insured money market deposit account in the second banking through the first banking institution; ~~by way of an intermediate bank, wherein said managing the insured deposit account comprises allowing more than six (6) asset~~

~~adjustment transfers and/or withdrawals to be actually made during a month from said insured deposit account providing a return on assets~~

sending information to implement a withdrawal of funds from the insured money market deposit account more than six (6) times during a month based on the asset adjustments;

receiving interest data on funds held in said single insured money market deposit account;

receiving interest on funds of the plurality of transaction accounts held in said single insured money market deposit account;

calculating the interest to be allocated to each client transaction account; and

updating the database based on the interest allocated to and clients' deposits to and withdrawals from each of their transaction accounts.

Comparable changes have been made to claims 60. These changes are as follows:

60. A method for managing a plurality of transaction accounts for multiple clients whose funds are held ~~at a banking institution~~ in a single insured money market deposit account to provide deposit account providing a return on assets held therein, comprising:

providing a database having client information for each of the plurality of the transaction accounts;

administering clients' deposits to and withdrawals from each of their transaction accounts;

determining a net transaction aggregated across all ~~said transaction account deposits~~ to and withdrawals from said transaction accounts on a regular periodic basis;

~~depositing funds to or withdrawing funds~~ more than six (6) times during a month ~~by way of an intermediate bank~~ from said single insured money market deposit account in a second banking institution through a first banking institution based on the net ~~transaction~~ transactions;

~~preserving the interest bearing status of the single insured money market deposit account after more than six (6) transfers and/or withdrawals are made during a month from said single insured money market deposit account;~~

receiving interest from the second banking institution on funds held in said single insured money market deposit account;

distributing the interest paid on said single insured money market deposit account to said clients' transaction accounts; and

updating the database based on the interest paid to and clients' deposits to and withdrawals from each of their transaction accounts.

These changes are supported as follows:

First, the independent claims 32, 41 and 60 have been amended to remove the term “intermediate bank” and to clarify that the funds may be in multiple client transaction account

at an entity such as a broker dealer (see col. 2, lines 36-37, col. 2, lines 45-47, col. 3, lines 15-16, and col. 3, lines 53-54) and are passed through a “first banking institution” (col. 3, line 19), and the banking institution holding the single insured money market deposit account is the “second banking institution” (col. 4, lines 29-32).

The “administering” element has been revised to clarify that the fund movement is through the “first banking institution.” The basis in the specification for this reference to the first banking institution may be found at column 2, lines 36-37 and column 3, lines 13-20 of the ‘231 specification.

The “determining a net transaction” has been amended to provide a clarification.

Additionally, claims 32, 41 and 60 have been amended to revise the “depositing funds to and withdrawing funds from” element to clarify that the funds flow from and to the single insured money market deposit account in the second banking institution through the first banking institution.

Additionally, claims 32 and 60 have been amended to remove the language “preserving the interest-bearing status.” Claim 32 was amended with the following language –“with the withdrawing funds comprising withdrawing funds from the single insured money market deposit account at the second banking institution more than six (6) times during a month through the first banking institution.” Claim 60 was amended to add the language “withdrawing funds more than six (6) times during a month from said single insured money market deposit account in a second banking institution through a first banking institution based on the net transactions.” The basis in the specification for this element, which was previously present in the claims, is column 4, lines 29-67 and column 1, lines 53-58, among other places.

Likewise, a receiving interest element has been added as follows: -- receiving interest from the second banking institution on funds held in said single insured money market deposit account--. Also, the “distributing interest” step has been amended to clarify that the interest is distributed “to said client transaction accounts, and the “updating” step has

been amended.” The basis for these amendments is found in the ‘231 patent specification at column 5, lines 15-30.

REMARKS

As noted above, independent claims 32, 41 and 60 have been amended. A New claim element “receiving interest” has been added to these claims. Additionally, dependent claims 35 and 83 have been amended to conform to the changes in the independent claims by changing “demand” to “transaction”.

Additionally, original claims 1-3 and 16-19 and New claims 20-31, 51-59, 69-82, 84, 85, 87 and 88 have been withdrawn in response to the Restriction in Office Action dated October 24, 2007. Applicants will pursue the withdrawn claims in other divisional applications.

Pursuant to 37 C.F.R. 1.178(b), Applicants state that they have no current knowledge of, and do not believe there are any prior or concurrent proceedings in which the ‘231 patent is involved, including interferences, reissues, reexaminations, or litigations.

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-captioned reissue application. These claims do not recapture any subject matter that might have been surrendered during prosecution of the application issuing as the ‘231 patent.

It is submitted that some of the claims may be broader in some respects than claims in the ‘231 patent. This is proper because this reissue application was filed within two years of the grant on April 16, 2002 of the ‘231 patent. Applicants reserve their right to submit during the prosecution of this application and after April 16, 2004 further claims that are broader than the claims of the ‘231 patent. See MPEP section 1412.03.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS are related and have similar claims and some of these applications have received office actions:

10/825,440 fld 4-14-04 (Current application)
09/677535 fld 10-2-00 (Office Action with rejection)
10/071,053 fld 2-8-02 (Office Action with rejection)
10/305,439 fld 11-26-02 (Office Action with rejection)
10/382,946 fld 3-06-03 (Office Action with rejection)
10/416,650 fld 4-11-03 (Office Action with rejection)
11/149,278 fld 6-10-05 (Div. of 09/677,535)

The examiner is directed to review these other co-pending applications as he deems appropriate.

Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 112, 1st paragraph, regarding the relationship of the intermediate bank to the method. Additionally, claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 112, 2nd paragraph, as being indefinite regarding the intermediate bank and the role it plays and the limitation “preserving the interest-bearing status.” These rejections are respectfully traversed and reconsideration thereof is requested in view of the amendments.

Referring first to the rejection of claims 32-50, 60-68, 83 and 86 under the 1st paragraph of section 112, the term “intermediate bank” has been deleted and the banking institution through which the funds are passed is now referred to as the “first banking institution,” and the banking institution holding the single insured money market deposit account is referred to as the “second banking institution.” This has been clarified in claim 32 by amending the claim preamble, by amending the “administering” claim element to read -- administering clients' deposits to and withdrawals from each of their transaction accounts through the first banking institution.-- The “depositing step” has also been amended, in pertinent part, as follows: “depositing funds to or withdrawing funds from a single insured money market deposit account at a second banking institution based on the net transaction, with the withdrawing funds comprising withdrawing funds from the single insured money market deposit account at the second banking institution more than six (6) times during a month through the first banking institution.”

Claim 32 has also been amended to change “demand account” to transaction account,” to conform to independent claims 41 and 60.

Note that in one embodiment described in the '231 specification, it is stated that the incoming funds may come from accounts in entities such as broker dealers (col. 2, lines 36-37 and 45-48, and col. 3, lines 15-16), e.g., the transaction account, and are described as being deposited with a bank [e.g., the first banking institution]. See column 3, lines 13-20 of the '231 specification. The net of fund deposits and withdrawals to this bank are then transferred to the insured money market deposit account held in the second banking institution 145. See column 4, lines 55-67. Accordingly, this rejection should be reconsidered and withdrawn.

Referring to the rejection for indefiniteness regarding the intermediate bank (paragraph 8 of the Office Action), the independent claims have been amended in the “administering” step and the “depositing” step to clarify that the funds go to the single insured money market deposit account through the first banking institution. In view of this clarification, this rejection should be withdrawn.

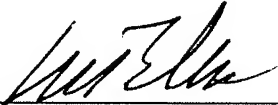
Referring to the rejection for indefiniteness regarding the “preserving the interest-bearing status” limitation (paragraph 9 of the Office Action), applicants do not concede the appropriateness of this rejection, but for purposes of advancing the prosecution, have amended the language of claim 32 to “depositing funds to or withdrawing funds from a single insured money market deposit account at a second banking institution based on the net transaction, with the withdrawing funds comprising withdrawing funds from the single insured money market deposit account at the second banking institution more than six (6) times during a month through the first banking institution,” to thereby place the focus of the claim element on these steps. A comparable change has been made to claim 60. Claim 41 has been amended to recite “calculating an asset adjustment to said insured money market deposit account to determine an amount of funds that should be transferred from or to said insured money market deposit account in the second banking through the first banking institution; sending information to implement a withdrawal of funds from the insured money market deposit account more than six (6) times during a month based on the asset adjustments.” Accordingly, this rejection for indefiniteness is obviated and should be withdrawn.

Applicants request prompt consideration and early allowance if this reissue.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

Respectfully submitted,

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By 

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